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HUMAN RIGHTS QUESTIONS: IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS

Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights

Note by the Secretary-General

The Secretary-General transmits herewith to the General Assembly the report of the fourth meeting of persons chairing the human rights treaty bodies convened pursuant to General Assembly resolution 46/111 of 17 December 1991.

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ANNEX

Report of the fourth meeting of persons chairing the human rights treaty bodies

I. INTRODUCTION

1. Since the adoption of resolution 37/44 on 3 December 1982, the General Assembly has continuously kept under review the problems relating to the effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights. Those problems have also received careful attention during the various sessions of the treaty bodies, at some of the meetings of States parties, and at meetings of such other organs as the Economic and Social Council and the Commission on Human Rights.

2. Pursuant to General Assembly resolution 38/117 of 16 December 1983, the Secretary-General convened a first meeting of the persons chairing the bodies entrusted with the consideration of State party reports in August 1984. The report of that meeting was presented to the General Assembly at its thirty-ninth session (A/39/484, annex). A second meeting was convened by the Secretary-General in October 1988, pursuant to General Assembly resolution 42/105 of 7 December 1987, and the report of that meeting was presented to the General Assembly at its forty-fourth session (A/44/98, annex). A third meeting was convened by the Secretary-General in October 1990, pursuant to General Assembly resolution 44/135 of 15 December 1989, and the report of that meeting was presented to the General Assembly at its forty-fifth session (A/45/636, annex).

3. In its resolution 46/111 of 17 December 1991, the General Assembly endorsed the conclusions and recommendations of the meetings of persons chairing the human rights treaty bodies aimed at streamlining, rationalizing and otherwise improving reporting procedures; requested the Secretary-General to take appropriate steps in order to finance the biennial meetings of persons chairing the human rights treaty bodies from resources available from the regular budget of the United Nations; and decided to give priority consideration at its forty-seventh session to the conclusions and recommendations of the meetings of persons chairing treaty bodies, in the light of the deliberations of the Commission on Human Rights. In its resolution 1992/15 of 21 February 1992, the Commission on Human Rights endorsed the recommendation in the report of the third meeting of persons chairing the human rights treaty bodies to institutionalize the meetings and requested the General Assembly to take appropriate action to enable those meetings to be held on a biennial basis; and requested that the meeting of persons chairing the human rights treaty bodies in 1992 include on its agenda the question of the extent of reservations to human rights instruments.

4. The fourth meeting of persons chairing the human rights treaty bodies was convened by the Secretary-General pursuant to General Assembly resolution 46/111 and Commission on Human Rights resolution 1992/15.

II. ORGANIZATION OF THE MEETING

5. The meeting was held at the United Nations Office at Geneva from 12 to 16 October 1992. The following persons chairing the human rights treaty bodies attended: Mr. Philip Alston (Committee on Economic, Social and Cultural Rights), Mr. Fausto Pocar (Human Rights Committee), Mr. Luís Valencia Rodríguez (Committee on the Elimination of Racial Discrimination), Mrs. Mervat Tallawy (Committee on the Elimination of Discrimination against Women), Mr. Joseph Voyame (Committee against Torture) and Mrs. Hoda Badran (Committee on the Rights of the Child). Mr. Hector Villarroel, a member of the Group of Three established under the International Convention on the Suppression and Punishment of the Crime of Apartheid, also participated in the meeting.

6. Representatives of the International Labour Organisation (ILO), Amnesty International and the International Service for Human Rights also attended the meeting.

7. The agenda for the meeting was as follows:

1. Opening of the meeting.

2. Election of the Chairperson.

3. Adoption of the agenda.

4. Review of recent developments relating to the work of the treaty bodies and follow-up to the conclusions and recommendations adopted at the third meeting of chairpersons.

5. Matters requiring special consideration:

   (a) General situation of overdue reports;

   (b) Identification of possible technical assistance projects by the treaty bodies;

   (c) Question of the extent of reservations to human rights instruments;

   (d) Comments and recommendations to the Preparatory Committee for the World Conference on Human Rights;

   (e) Developments relating to the Centre for Human Rights, including support for the work of the treaty bodies.

6. Other matters.

7. Conclusions and recommendations.

8. The following documentation was made available to the participants:

(a) Provisional agenda (HRI/MC/1992/1);

(b) Report of the Secretary-General on progress achieved in improving the operation of the treaty bodies (HRI/MC/1992/2);

(c) Report of the Secretary-General on the status of the international human rights instruments and the general situation of overdue reports (HRI/MC/1992/3);

(d) Working paper prepared by the secretariat on the question of the extent of reservations to human rights instruments;

(e) Compilation of general comments and general recommendations adopted by human rights treaty bodies (HRI/GEN/1);

(f) Background documents, including the notes by the Secretary-General to which were annexed the reports of the first, second and third meetings of the chairpersons (A/39/484, A/44/98 and A/45/636); a study by Mr. Philip Alston on possible long-term approaches to enhancing the effective operation of the human rights treaty bodies (A/44/668); relevant reports of the Secretary-General to the Commission on Human Rights and to the Subcommission on Prevention of Discrimination and Protection of Minorities (E/CN.4/1992/44, E/CN.4/1992/75 and E/CN.4/Sub.2/1992/27 and Corr.1); General Assembly resolutions 45/85, 45/115 and 46/111; Commission on Human Rights resolutions 1991/20 and 1992/15; and various reports and other documents relating to the meetings of the Preparatory Committee of the World Conference on Human Rights.

9. The meeting was opened by Mr. Enayat Houshmand, Chief of the Implementation of International Instruments and Procedures Branch of the Centre for Human Rights, on behalf of the Under-Secretary-General for Human Rights. In his introductory statement, Mr. Houshmand noted, inter alia, that there had been a significant increase in the numbers of States parties to each of the human rights instruments since the third meeting of chairpersons in 1990 and that, at present, more than 160 States were party to one or more of those instruments.

10. He drew particular attention to two issues that needed to be addressed by the meeting. The first concerned the question of the extent of reservations to the various human rights conventions, which had been considered by a number of human rights treaty bodies, as well as by the Subcommission on Prevention of Discrimination and Protection of Minorities. Those bodies had expressed concern that certain reservations could have the effect of undermining the human rights treaties. In its resolution 1992/15, the Commission on Human Rights had requested that the issue be included in the agenda of the fourth meeting of chairpersons. The second issue concerned the suggestion made by two members of treaty bodies that the meeting of chairpersons should examine the possibility of undertaking preventive action against human rights

violations, within the scope of the activities of the human rights treaty bodies. Additionally, in his report to the forty-seventh session of the General Assembly on the work of the Organization, the Secretary-General had identified the need to consider ways to empower him and the expert human rights bodies to bring massive violations of human rights to the attention of the Security Council, together with recommendations for action.

11. Mrs. Mervat Tallawy was elected Chairperson of the meeting and Mr. Philip Alston was elected Rapporteur.

12. On 15 and 16 October 1992, the chairpersons considered the draft report on their fourth meeting. The report, as amended during the course of the discussion, was adopted unanimously by the chairpersons.

III. REVIEW OF RECENT DEVELOPMENTS RELATING TO THE WORK OF THE TREATY BODIES AND FOLLOW-UP TO THE CONCLUSIONS AND RECOMMENDATIONS ADOPTED AT THE THIRD MEETING OF CHAIRPERSONS AND MATTERS REQUIRING SPECIAL CONSIDERATION

13. Consideration of agenda items 4 and 5 began with a brief oral overview by each of the participants of recent developments of special concern to the respective treaty bodies. Participants noted that the significant increase in the number of States parties to each of the instruments meant that many of the long-standing problems of the treaty bodies needed to be addressed immediately if the treaty body system were to carry out its functions effectively. Chief among those problems were the precarious financial situation of some of the committees and the general need for increased servicing from the secretariat on the part of all committees. Additionally, a reliable information infrastructure was needed to ensure that the members of the various committees were informed of all relevant developments and that the work of the treaty bodies was sufficiently publicized.

14. Throughout their discussions, the chairpersons emphasized the importance of the promotion and protection of human rights within the scope of the activities of the United Nations. Recent developments had demonstrated the close connection between human rights and national stability and development as well as international peace and security. If United Nations action in the field of human rights was to be responsive to both the increased demands being placed upon it by Governments and the rising expectations of the general public, a significantly greater commitment of resources to United Nations human rights programmes would be necessary. Although the human rights treaty bodies were at the centre of the efforts to implement the international human rights standards adopted by the United Nations, their effective functioning could not be considered in isolation from the support provided under other activities of the Centre for Human Rights, particularly activities relating to information and technical assistance. If greater resources were not forthcoming, the United Nations human rights programme as a whole risked losing credibility.

Timely submission of overdue reports

15. The chairpersons emphasized that the timely submission of reports was essential for the effective discharge by the treaty bodies of their duties under the various instruments. Since the reports formed the basis of the dialogue between the committees and the States parties, overdue reports constituted a serious interruption of the implementation process envisaged under such instruments. While a large number of States parties were overdue in meeting their reporting obligations, it was noted that a small number of States accounted for a disproportionate number of the overdue reports for all of the instruments. Some of the committees had taken initiatives to focus attention on those States and invited them to submit relevant information in accordance with their reporting obligations. It would be helpful if all of the treaty bodies would, at the very least, identify those States whose reports were long overdue so that steps could be taken to re-establish cooperation between the committees and the States concerned. This would also facilitate the identification of factors and difficulties experienced by those States with regard to their reporting obligations. The need to establish an ongoing regular dialogue was particularly important in the case of the few States whose initial reports were long overdue. By failing to fulfil their obligations under the respective instruments to which they were a party, such States threatened the credibility of the monitoring process as a whole. A range of alternative approaches to deal with this grave situation and encourage the closer cooperation of all States parties was discussed by the participants.

16. It was also noted that the long delay in some cases between the submission of a report and its actual consideration by the committee concerned was a disincentive for States to submit their reports on time. The primary reason cited for such delays was the lack of sufficient time available to those treaty bodies for the consideration of reports. This was particularly problematic for those committees which were only able to meet annually and then often for an insufficient period of time. Significant backlogs in the consideration of reports resulted in various detrimental effects, including the fact that reports lost their timeliness and necessitated the provision of substantial supplementary reporting by the State party.

Universalization of the human rights instruments

17. Participants welcomed the appreciable increase in the number of States parties to the various instruments that had taken place since the 1990 meeting of chairpersons. Although none of the treaties was close to having universal adherence, the treaty system as a whole included the vast majority of Member States of the United Nations. It was particularly important for the treaty bodies to meet the challenge of effectively supervising the implementation of human rights standards in the large number of new States parties. In that regard, the need for an improved information base supporting the work of the treaty bodies was stressed. It was also pointed out that an integrated - and not a fragmented - approach was needed with regard to the promotion of adherence to the various human rights instruments as well as in monitoring their implementation.

18. Concern was expressed that a number of States had adhered to only one or the other of the two International Covenants. This had the effect of undermining the principle that the two sets of rights covered in the Covenants - economic, social and cultural rights on the one hand and civil and political rights on the other - were complementary and indivisible. The States parties concerned should be urged to consider ratifying or acceding to the other Covenant as soon as possible. It was also pointed out that there were a number of new States that had previously been constituent parts of other States parties to some of the human rights treaties. All appropriate measures should be taken to ensure that the people living in those successor States would continue to benefit from the protection afforded by the human rights instruments.

Financial situation of the treaty bodies

19. The participants welcomed the amendments to the funding provisions of the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which had been recently adopted by the meeting of States parties to those instruments. However, serious concern was expressed over the amount of time that would likely be required for those amendments to enter into force: at least two years would be required to obtain the accord of the necessary two thirds of States parties to the International Convention on the Elimination of All Forms of Racial Discrimination. In the meantime, the Committee on the Elimination of Racial Discrimination would continue to run the risk of having its sessions curtailed or cancelled. This had happened in five of the past six years, including 1992. Under such circumstances, it was impossible for the Committee to discharge its responsibilities effectively under the Convention. This was particularly worrisome in view of the rise in racial violence and ethnic strife in many parts of the world. The Committee against Torture also faced a similarly uncertain financial situation. The States parties concerned should act as speedily as possible to approve the amendments that had been adopted. The General Assembly and the Secretary-General should also take all necessary action to ensure the financial stability of those two treaty bodies until the proposed amendments entered into force.

Adequate secretariat resources for servicing the treaty bodies

20. The chairpersons underlined the close link between adequate secretariat resources and the effective functioning of the treaty body system. Reference was made to the critical need for additional staffing in view of the large number of new States parties to the various instruments and the significantly increased workload that would result. At the same time, each of the treaty bodies was requesting additional services from the secretariat. In particular, more staff time was needed to process and analyse the large amount of relevant information originating from the various United Nations bodies and agencies as well as from intergovernmental and non-governmental sources. It was only with a higher level of secretariat support and a more comprehensive documentary basis that the treaty bodies would be able to ensure that the

suggestions and recommendations they adopted would be of consistently high quality.

21. The participants agreed that the question of adequate servicing for the work of the treaty bodies was related to the overall priority given in the United Nations to human rights questions. Within this context, it was pointed out that the various committees needed to reassess their objectives and identify the staffing and other servicing resources needed to achieve those goals. It was emphasized that, in the short term, it was vital for the work of all of the treaty bodies that the Committee on the Elimination of Discrimination against Women, which was serviced by the United Nations Office at Vienna, be kept regularly apprised of developments concerning the activities of the Centre for Human Rights. In the medium term and, indeed, as soon as possible, responsibility for the servicing of the Committee on the Elimination of Discrimination against Women should be assumed by the Centre for Human Rights.

22. Attention was also drawn to the question of a committee resource room within the Centre for Human Rights. This measure had been recommended by the chairpersons at both their second and third meetings and had subsequently been endorsed on a number of occasions by various treaty bodies. In its resolutions 1991/20 and 1992/15, the Commission on Human Rights had requested that the Secretary-General give consideration to the establishment of such an area for the purpose of facilitating access to the various sources of information that were indispensable to the effective functioning of the treaty bodies. It was pointed out that, in the present situation, documentation from United Nations bodies was not readily accessible to members of the treaty bodies and that other sources of information were available on an entirely unsatisfactory basis. In view of the fact that four years had passed since the need for the facility was first identified, the Secretary-General was urged to take action on the matter, particularly in view of the projected restructuring of the United Nations Office at Geneva.

Computerization of the work of the treaty bodies

23. With respect to that issue, the chairpersons noted with regret that only three States had responded to the request of the Secretary-General to contribute to the one-time start-up costs of the computerized information system proposed in the report of the Secretary-General (E/CN.4/1990/39). The contributions that had been received fell far short of the amount projected as the initial cost of the system. One way to facilitate progress would be to solicit contributions actively from corporate sponsors, particularly from the computer industry. It was pointed out, however, that, should such an initiative be undertaken, due consideration would have to be given to ensure compatibility with the long-term computerization planned for the Centre for Human Rights. The computerization of the treaty body system would ultimately form the basis for the human rights information base needed by the Centre for Human Rights and would greatly assist other United Nations bodies and agencies whose work concerned human rights.

Improving the effectiveness of the reporting process with special reference to adequate information

24. It was pointed out that, for the consideration of a State party's report, each of the treaty bodies needed to have access not only to the past reports of that State under the instrument concerned, but also to pertinent information contained in the reports submitted by that State to other treaty bodies. Taken together, the information received by each of the treaty bodies comprised an impressive and important resource. The chairpersons also emphasized the importance of having relevant information from non-governmental organizations at their disposal. At present, this was only the case for some of the committees.

25. Participants welcomed the compilation of general comments and general recommendations of the various treaty bodies (HRI/GEN/1), which had recently been prepared by the secretariat. It was suggested that future revisions of the document should include a subject index.

Promoting interaction among the treaty bodies

26. The chairpersons discussed the system of designating certain members of each committee to follow developments in other committees and human rights bodies. That system, which had been recommended at the 1990 meeting of chairpersons, was generally regarded as unsatisfactory in practice. The view was expressed that the preparation of a short analytical summary of each session of the various committees would provide a more effective and consistent solution to the problem of keeping members of the various treaty bodies informed of developments in the treaty body system. It was pointed out that such a service would require additional secretariat resources in order to be implemented. It was suggested that one way to minimize the added burden on the secretariat would be to entrust the drafting of the analytical summaries to certain members of the treaty bodies. However, it was more widely felt that only the secretariat had the necessary expertise and was in the best position to provide the required information.

27. With regard to the recommendation of the Committee on Economic, Social and Cultural Rights that members of that Committee should meet jointly with members of the Human Rights Committee, the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child to consider approaches to supervising overlapping treaty obligations, it was noted with regret that no meeting had yet been scheduled. Strong support was expressed for the initiative, which was still considered important and valuable. Support was also expressed for any similar meetings or occasions when members from different committees would be able to meet in order to discuss issues of common concern.

28. On a related issue, the chairpersons discussed the importance of providing a background briefing for all new members of the treaty bodies. It was suggested that such a briefing could be coordinated by the chairperson of the treaty body concerned and could be carried out in cooperation with the secretariat.

Information and publications on the work of the treaty bodies

29. The chairpersons underlined the importance they attached to strengthening the human rights information programme to make it more coherent and effective. It was pointed out that the human rights publications budget of the United Nations was not sufficiently large to ensure that the work of the treaty bodies was adequately or regularly publicized. Given the high degree of interest in human rights on the part of government officials, intergovernmental and non-governmental organizations, academic and research institutions and the general public, the chairpersons agreed that a higher priority should be given to the production, translation and distribution of human rights publications and documentation. It was pointed out, for example, that the Manual on Human Rights Reporting, which was considered a valuable tool to assist States parties with their reporting obligations, had been published thus far only in English and Chinese.

30. The participants welcomed the publication of the fact sheets on the various treaty bodies, although it was pointed out that, before such publications were produced, the chairperson of the committee concerned should be consulted and his or her comments obtained with regard to content and presentation. It was also suggested that the Human Rights Newsletter, which was not published by the Centre for Human Rights on a regular schedule, should be given a new format and a major role in informing the human rights community of the latest developments in the numerous United Nations human rights bodies and mechanisms. The view was expressed that the format and publishing schedule of the Bulletin of Human Rights would also benefit from a thorough review. Support was given to the various human rights training manuals being drafted by the Centre for Human Rights. However, the chairpersons underlined that there should be a comprehensive review of the distribution strategy for those and other human rights publications to ensure their availability to the specialists concerned as well as to the general public.

Regional meetings of the treaty bodies

31. Reference was made to the recent informal regional consultation of the Committee on the Rights of the Child held at Quito. The meeting, which was organized by the United Nations Children's Fund (UNICEF) in cooperation with the Centre for Human Rights, had provided a valuable opportunity to promote greater awareness of the Convention on the Rights of the Child and to publicize the work of the Committee. The chairpersons expressed strong support for such meetings and suggested that ways should be explored to organize similar meetings for the various committees in the regions, where they could have direct contact with the officials, agencies and organizations responsible for the implementation of the various human rights treaties.

World Conference on Human Rights

32. With regard to the World Conference, attention was drawn to the letter addressed to Mr. Antoine Blanca, Under-Secretary-General for Human Rights and Secretary-General of the World Conference on Human Rights, by the four representatives of the treaty bodies to the third session of the Preparatory

Committee. In their letter, the treaty body representatives pointed out that they had been placed at a disadvantage and thereby unable to make a full contribution to the preparatory process. The representatives suggested that, pursuant to General Assembly resolution 45/155, a special working group should be established to examine the issues relevant to the implementation of existing human rights standards and instruments, evaluate the effectiveness of United Nations methods and mechanisms, and formulate concrete recommendations for improving the effectiveness of United Nations mechanisms aimed at promoting, encouraging and monitoring respect for human rights and fundamental freedoms.

33. The chairpersons noted that the World Conference on Human Rights had been discussed in each of the treaty bodies and a number of constructive recommendations had been adopted as a result. Additionally, provision had been made by the United Nations for representatives of the treaty bodies to attend the sessions of the Preparatory Committee. Participants expressed their regret at the difficulties that had been encountered in the past and strongly urged that the treaty body representatives should, in the future, be provided with every opportunity to participate effectively in the preparatory process. They also strongly supported the establishment of a special working group at the Preparatory Committee and at the World Conference, as proposed in the letter, as an important means to facilitate the realization of the objectives of the Conference, as set out in General Assembly resolution 45/155. It was also agreed that the treaty bodies should be represented at the regional meetings that were to be held as part of the preparatory process, as well as at the satellite meetings, as appropriate.

Identification by the treaty bodies of possible technical assistance and advisory services

34. The participants were informed by the secretariat that training courses had been organized in the past by the Centre, in cooperation with the United Nations Institute for Training and Research (UNITAR) initially, and later with the support of the Voluntary Fund for Technical Cooperation in the Field of Human Rights, for state officials in regions or subregions on the reporting obligations under all treaties in force. It was suggested that it might be useful to evaluate how that training had helped to improve the reporting by the States parties concerned. The treaty bodies might then envisage recommending the organization of training courses on a regional or subregional level.

35. The chairpersons were further informed that the programme had recently focused on providing ad hoc advisory services to the States parties upon request and when an organ such as the Commission on Human Rights had so recommended. It was, however, more expensive to provide assistance on a national basis than on a regional one, and such service could not be provided to all States parties. Accordingly, assistance should be provided to those countries whose needs were of a priority nature. In that connection, it was suggested that priority should be placed on providing assistance to developing countries having already demonstrated consistent problems with reporting under

various human rights treaties and that officials of national human rights institutions and of non-governmental organizations should be included. International training institutions should also be invited to include the reporting systems in their programmes.

Extent of reservations to human rights treaties

36. Each chairperson presented the situation of reservations with regard to the respective treaty. The situation was felt to be very alarming concerning the Convention on the Elimination of All Forms of Discrimination against Women since a number of reservations were thought by the Committee on the Elimination of Discrimination against Women to be incompatible with the object and purpose of the Convention and should not have been permitted. The same question was also raised with regard to the Convention on the Rights of the Child. It was agreed that the States parties concerned should be urged to withdraw the reservations and that other States parties should not hesitate to object to such reservations as appropriate. The treaty bodies should systematically review reservations made when considering a report and include in the list of questions to be addressed to reporting Governments a question as to whether a given reservation was still necessary and whether a State party would consider withdrawing a reservation that might be considered by the treaty body concerned as being incompatible with the object and purpose of the treaty. The chairpersons also discussed the feasibility of a comparative study on the reservations made to the seven existing treaties. It was suggested that such a study could be prepared, without financial implications, by the Subcommission on Prevention of Discrimination and Protection of Minorities.

Massive violations of human rights

37. The chairpersons examined the suggestion made by the Secretary-General 1/ that ways should be explored of empowering the Secretary-General and expert human rights bodies to bring massive violations of human rights to the attention of the Security Council together with recommendations for action. The chairpersons fully endorsed this suggestion. The definition of "massive" violations was discussed in particular. It was agreed that the identification by expert bodies of "massive" violations should not be limited to assessing the quantity of violations committed. The gravity of violations committed with respect to a limited number of victims could suffice to qualify a violation as "massive". A situation in a country where the human rights of thousands of persons were persistently violated could also be considered as a "massive" violation. All human rights should be taken into consideration in that respect. Each organ could decide which situation required forwarding to the Security Council.

Prevention of human rights violations and urgent action

38. The chairpersons agreed to the suggestions of some members of the treaty bodies that it would be useful to examine how violations of human rights could be effectively prevented and recommended that the treaty bodies give further consideration to the subject as appropriate.

39. Urgent action was felt to be necessary in order to monitor emergency situations and to allow the treaty bodies to intervene rapidly in such situations.

Agenda of the fifth session

40. The chairpersons approved a tentative list of issues that should be reflected in the draft agenda for the fifth meeting of the chairpersons.

IV. CONCLUSIONS AND RECOMMENDATIONS

41. The following conclusions and recommendations are submitted to the General Assembly for its consideration in accordance with resolution 46/111. Some concern action that might be taken by the Assembly itself or by other appropriate organs of the United Nations, while others fall within the competence of the Secretary-General, of the respective treaty bodies or of the States parties to the treaties. However, no distinction is drawn in this regard for the purposes of the present report, since the mandate of the meeting is to propose diverse means to improve the functioning of the treaty supervisory system within the overall framework of the United Nations.

Role of the Security Council and development of effective responses in emergency situations

42. In relation to the work of the Security Council, the chairpersons consider that human rights issues need to be accorded appropriate priority, on a continuing basis, at all times. In this regard, the chairpersons welcomed the recognition by the Security Council, at its January 1992 meeting at the level of heads of State and Government, that "the absence of war and military conflicts amongst States does not in itself ensure international peace and security. The non-military sources of instability in the economic, social, humanitarian and ecological fields have become threats to peace and security". 2/ Similarly, as noted by the Secretary-General in his 1992 annual report, "respect for human rights is clearly important in order to maintain international peace and security". 3/

43. Accordingly, the chairpersons recommend that the Security Council should be encouraged to take full account, in its deliberations and in its decisions and resolutions, of the obligations of States concerned pursuant to the principal human rights treaties. The chairpersons also express their full support for the proposal made by the Secretary-General that ways should be explored "of empowering the Secretary-General and expert human rights bodies to bring massive violations of human rights to the attention of the Security Council, together with recommendations for action". 4/ In that regard, the chairpersons urge the treaty bodies to take all appropriate measures in response to such situations. They note that the term "massive", as used in this context, should be interpreted in the light of the January 1992 statement of the Security Council and should therefore encompass the persistence of massive structural violations of the full range of human rights.

44. The chairpersons note that the treaty bodies have an important role in seeking to prevent as well as to respond to human rights violations. It is thus appropriate for each treaty body to undertake an urgent examination of all possible measures that it might take, within its competence, both to prevent human rights violations from occurring and to monitor more closely emergency situations of all kinds arising within the jurisdiction of States parties. Where procedural innovations are required for this purpose, they should be considered as soon as possible.

45. The chairpersons recommend that, whenever ad hoc expert groups are being established by United Nations bodies or by the Secretary-General for any purpose that has a significant human rights objective, consideration be given to drawing upon the expertise of members of the human rights treaty bodies. In that regard, the chairpersons considered that it might be appropriate for a member of one of the treaty bodies to be included as part of the commission of experts appointed pursuant to Security Council resolution 780 (1992) to consider evidence of grave breaches of international humanitarian law in the territory of the former Yugoslavia.

More effective integration of human rights into the totality of United Nations activities

46. The chairpersons wish to emphasize the need for the United Nations as a whole, and the General Assembly in particular, to ensure that human rights concerns are fully integrated into the overall range of activities of the Organization. For this purpose, it would seem appropriate that consideration be given to undertaking an overall review of the system with a view to identifying the necessary innovations and reforms.

Financing

47. In relation to the financing of the work of the treaty bodies, the chairpersons express their wholehearted support for the initiatives endorsed by the respective meetings of the States parties to the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture designed to provide assured funding from the regular budget of the United Nations. The chairpersons note that it is imperative that individual States parties act as rapidly as possible to ratify the resulting amendments to the two treaties.

48. In the period prior to the entry into force of those amendments there will continue to be a critical need to assure adequate funding to the two committees concerned to enable them to fulfil adequately their supervisory functions. The chairpersons note that, especially in the case of the Committee on the Elimination of Racial Discrimination, this might entail the need for the provision of contingency funds by the Secretary-General to enable the Committee to meet as scheduled until such time as the amendment to the Convention receives the necessary number of ratifications.

Secretariat servicing

49. The chairpersons note that, in the light of the greatly increased recognition of the need for human rights concerns to permeate the entire range of international endeavours, the resources available to the Centre for Human Rights are grossly inadequate, despite recent improvements, to enable it to fulfil the manifold and constantly growing number of tasks entrusted to it. In the view of the participants, existing working conditions of the secretariat, especially in terms of the facilities and information technology available at Geneva, can best be described as primitive. While the ramifications of the issue extend well beyond the immediate mandate of the meeting of chairpersons, it must be noted that many of the urgent needs experienced by the treaty bodies cannot be satisfactorily dealt with in the absence of more far-reaching financial, personnel and administrative reforms. The chairpersons urge that the broader situation be taken fully into account in the context of the ongoing restructuring of the social and economic activities of the United Nations.

50. The chairpersons consider that, despite the best efforts of the available staff within the Centre for Human Rights and the Branch for the Advancement of Women, the resources of the secretariat required to ensure adequate servicing of each of the treaty bodies are not available. This inadequacy has, in turn, led to a situation in which requests for assistance by the various treaty bodies are sometimes unable to be met, despite the fact that such requests have been kept at an artificially low level in recognition of the impossibility of greater assistance being provided from existing resources. It is therefore recommended that a thorough study be undertaken, ideally by an independent expert, of the full range of measures that would be required at the secretariat level if adequate servicing is to be provided.

Information sources

51. In view of the fact that an adequate information base is an essential prerequisite for the effective functioning of the supervisory system, the chairpersons believe that a number of major reforms are urgently required. In general, it is apparent that the problems encountered by the treaty bodies in obtaining access to information are closely linked to the broader information challenges facing the Centre for Human Rights. The chairpersons believe that there is a desperate need for the development of a coherent and comprehensive information policy within the Centre as a whole.

52. The starting-point for reform should be the creation of a centralized information and documentation unit within the Centre. While such a unit will require space and the services of a trained documentalist and others, it is essential to the work of the Centre as a whole and to the satisfactory servicing of the treaty bodies. It is recommended that the General Assembly should request the Secretary-General to take appropriate steps to establish such a unit. In the meantime, until such a unit is established, the chairpersons wish to reiterate, for the third time, the need for the immediate establishment of a committee resource room, which would enable the members of

each committee to obtain access to the basic documentation required for the effective discharge of their functions. An effort should also be made to provide committee members with access to on-line information databases that contain information of direct relevance to their work.

53. The chairpersons note that the process of requesting voluntary contributions to enable the computerization of the information relating to the work of the treaty bodies was begun in February 1992. Member States, as well as the private sector, foundations and other appropriate entities are urged to consider contributing to the fund. The Secretary-General is requested to report regularly to the treaty bodies on the progress made in implementing the programme of work identified by the Computer Task Force appointed by the Secretary-General at the request of the Commission on Human Rights. Immediate measures should be taken, on the basis of the funds already available, to begin implementation of some of the Task Force's recommendations.

54. The chairpersons request the secretariat to ensure that one copy of a comprehensive country dossier is available to each committee in respect of each State party whose report is under consideration at any given session. The dossier should be as comprehensive as possible in terms of the sources of information reflected. In addition to the full range of directly relevant United Nations documentation, the dossier should contain all available information from non-governmental sources and relevant press reports.

55. In order to ensure an adequate flow of information from non-governmental organizations, each treaty body should consider formally inviting such groups to submit written documentation and, wherever appropriate, to do so in the form of official submissions. The chairpersons also strongly urge all non-governmental organizations in the human rights field, at both the international and national levels, to seek to provide as much relevant information as possible to the treaty bodies and to do so on a systematic and timely basis. At a minimum, a regular flow of all available information for inclusion in country dossiers should be assured.

Public information

56. In terms of public information activities relating to the work of the treaty bodies, the chairpersons are firmly convinced that there is a need for an integrated and comprehensive public information strategy for the Centre for Human Rights as a whole. The present approach is haphazard, under-resourced and lacking in priorities. Publicity for the work of the treaty bodies has suffered as a result. It is recommended that an expert group, from outside the secretariat, be constituted with a view to undertaking a comprehensive review of the existing information programme. It should be requested to make recommendations, taking full account of existing policy guidelines, for the development of an entirely new strategy that seeks to integrate the needs of the various sectors within the human rights programme, including the treaty bodies. Consultation with the latter should be part of the process and particular attention should be focused on the needs of the general public,

throughout the world, rather than only on those already involved in the system in Geneva, New York and Vienna.

57. At the very least, means need to be identified for the more effective conveying of information about the activities of one organ to the other principal organs within the overall system. This includes both Charter-based and treaty-based organs. As an interim measure, the participants decided that the chairperson of each committee should, immediately after each session and with the assistance of the secretariat, prepare a brief (1-3 pages) account of the significant developments that have taken place at that session and circulate it, at least to the other chairpersons, and if possible to all committee members.

58. The chairpersons note with satisfaction that the report of each State party along with the summary records of the consideration of that report by the relevant treaty body are now being made available through the United Nations information centre located in the country concerned. It considers, however, that the treaty bodies themselves, the Governments concerned, the secretariat and non-governmental organizations should all consider further ways of disseminating that information effectively at the national level.

59. In terms of specific information issues, the chairpersons commend the publication of the Manual on Reporting and request that the remaining language versions be printed as soon as possible; recommend that consideration be given to producing the Manual in loose-leaf format to facilitate regular updating; recommend that, in future, the very useful compilation of general comments, general recommendations and so on be published with an index to improve its usefulness; and recommend that future fact sheets dealing with the work of any of the treaty bodies be submitted to that body, or at least its chairperson, for review prior to being finalized.

Reservations

60. The chairpersons consider that the number, nature and scope of the reservations that have been made to the principal human rights treaties are cause for alarm. While recognizing that there is an important and legitimate role for reservations to treaties, they note that some of the reservations that have been lodged would appear to give rise to serious questions as to their compatibility with the object and purpose of the treaties in question. For this reason, and because of the extent to which such reservations have the potential to undermine the goals of the treaty system, the chairpersons believe that a number of measures are required to be taken.

61. In relation to reservations that, in the view of the relevant treaty body, give rise to significant questions in terms of their apparent incompatibility with the object and purpose of the treaty, that treaty body should consider requesting the Economic and Social Council or the General Assembly, as appropriate, to request an advisory opinion on the issue from the International Court of Justice.

62. The General Assembly is requested to consider giving a mandate to the Commission on Human Rights to authorize the preparation of an analytical study of issues of incompatibility arising out of the reservations that have been made to the principal treaties, to be undertaken by the Subcommission on Prevention of Discrimination and Protection of Minorities.

63. Each State that is considering ratification of a treaty should be urged to give the most careful consideration to any proposed reservation thereto and should do its utmost to keep the number and scope of such reservations to a minimum. Such reservations should be as specific as possible. Once a reservation has been made the State party should undertake a regular review of the continuing need for, and desirability of, all such reservations. The results of those reviews should be reflected in each report submitted by the State party to the treaty body concerned. That treaty body should always seek to address the issue of reservations in its dialogue with the State party.

64. The chairpersons believe that it is essential, if the present system relating to reservations is to function adequately, that States that are already parties to a particular treaty should give full consideration to lodging an objection on each occasion when that may be appropriate.

65. Whenever a new human rights treaty is being drafted the most careful consideration should be given to the inclusion of a provision permitting the relevant treaty body to request an advisory opinion from the International Court of Justice in relation to any reservation that it considers might be incompatible with the object and purpose of the treaty. Similarly, consideration should be given to the identification of certain provisions as being non-derogable (as in the case of the International Covenant on Civil and Political Rights) and they should also be identified as not being subject to reservations.

Succession in relation to human rights obligations

66. In view of the increasing number of new States that were previously part of States that had accepted various human rights treaty obligations, consideration should be given to the most appropriate and effective means by which the provisions of such treaties can be treated as applying, on a continuing basis, to the people within the territories concerned. In addition, the General Assembly should urge all new States to confirm formally their acceptance of any pre-existing obligations or to accede to, or ratify, all of the principal human rights treaties. They should do so as a matter of urgency, in order to assure to all persons within their jurisdiction the highest possible level of protection.

New instruments

67. As far as possible and appropriate, the supervision of new human rights treaty obligations should be entrusted to one or other of the existing treaty bodies. Similarly, careful consideration should always be given to the drafting of protocols to existing instruments in preference to entirely new

treaties, whenever appropriate. When such protocols are under preparation the relevant treaty body should be consulted prior to their final adoption.

68. In the event, however, that the drafting of new treaties cannot be avoided, the periodicity of reporting should be left open provided that a report is required at least once every five years. Similarly, new treaties should not stipulate a maximum duration for the sessions of the relevant supervisory body. They should always provide for the financing of the supervisory mechanisms from the regular budget.

69. Whenever new human rights instruments are being drafted, adequate travaux préparatoires should be undertaken along with a thorough technical review prior to the final adoption of the text.

Overdue and non-submitted reports

70. The problem of excessively overdue reports and of the failure to submit initial reports continues to give rise to concern. It is suggested that each treaty body follow the practice of the Committee on the Elimination of Racial Discrimination in listing States whose reports are overdue or who have failed to submit reports in order of the length of time involved. This practice helps to identify those States parties which are the most overdue and in respect of which a particular effort is needed to encourage the submission of the necessary reports. Treaty bodies might also consider the approach, already employed by the Committee on Economic, Social and Cultural Rights, of adopting a specific decision identifying those States parties whose reporting record is especially unsatisfactory.

71. The chairpersons recommend that each treaty body follow, as a last resort and to the extent appropriate, the practice, already adopted by some committees, of scheduling for consideration the situation in States parties that have consistently failed to report or whose reports are long overdue. They note that a persistent and long-term failure to report should not result in the State party concerned being immune from supervision while others, which had reported, were subject to careful monitoring. Even in the absence of a report, adequate information exists from other appropriate sources on the basis of which an examination, ideally in the form of a dialogue, could be undertaken.

72. It is recommended that a number of steps be explored in order to encourage timely reporting by all States parties. They include an effort to make the purpose of the reports and the nature of the supervisory process as transparent as possible to all concerned in the process, and especially to government officials; holding, at the national level, seminars and workshops on reporting; and the provision of specifically tailored advisory services, as appropriate.

Global reports

73. Consideration should be given, at least in the longer term, to the feasibility of permitting States that are parties to more than one of the treaties to prepare a single, comprehensive, global report, which would be used to satisfy its reporting obligations under each of the treaties.

Language versions of instruments

74. The chairpersons note that full and effective implementation of human rights treaty obligations, on a continuing basis, is dependent in part upon a knowledge and understanding of the relevant rights by the residents of the State concerned. For this reason, it is imperative that every effort be made to translate the text of the relevant instruments into as many local languages as possible and, in any event, into all of the major languages used in the country concerned. Each treaty body should therefore request all States parties to provide it with details of the different language versions available, those not available and plans for future translations. Wherever possible, a copy of the available translations should be provided in order to enable an appropriate collection to be built up by the United Nations.

Advisory services and technical assistance

75. The chairpersons recommend that, especially in relation to the work of the treaty bodies, a greater effort should be made to integrate and harmonize activities in the fields of public information, advisory services and national institutions. Training provided within the framework of the advisory services programme should, in so far as it concerns reporting and the work of the treaty bodies, accord priority to the organization of low-cost training workshops at the national level designed to cater for the needs of a diverse range of government officials, representatives of the various social partners, including workers and employers, and of relevant non-governmental organizations. It should not be assumed that the need for training in relation to reporting systems is confined to one or two government officials directly involved at a given moment.

76. The secretariat, in consultation with the treaty bodies, should draw up a list of priority countries whose reporting record would seem to indicate the need for advisory services to assist in the preparation of long overdue reports. A letter offering specific types of assistance should then be dispatched to the Governments concerned and the responses, if any, brought to the attention of the relevant treaty bodies. The chairpersons also recognize that it is essential for advisory services to be provided wherever possible in order to assist States to fulfil their human rights obligations.

World Conference on Human Rights

77. In relation to the work of the Preparatory Committee for the World Conference on Human Rights, the chairpersons consider that the representatives of the treaty bodies have not so far been accorded an adequate, or appropriate, opportunity to contribute to, and participate in, the discussions. In view of the central position of the treaty bodies within the overall United Nations human rights system, this situation is a matter of serious concern. Moreover, it completely contradicts the pertinent recommendation made by the last meeting of chairpersons and subsequently endorsed by the General Assembly. The chairpersons therefore recommend that, at all future meetings as well as at the Conference itself, provision should be made for the full participation of the treaty body representatives to enable advantage to be taken of their expert input. In order to achieve this objective fully, and in recognition of the fact that the treaty bodies are an integral part of the United Nations human rights system, the General Assembly should recommend that the group of chairpersons be constituted as a special advisory body to the World Conference.

78. The chairpersons are also concerned that discussions concerning the agenda for the World Conference have so inadequately reflected the priority accorded to issues relating to the treaty bodies as stated in paragraphs 1 (c) to (e) of General Assembly resolution 45/155 of 18 December 1990. It is therefore recommended that efforts be made to ensure that sustained consideration be given to those issues in the agenda. Moreover, the chairpersons recommend that a special working group be established at the World Conference to examine issues relevant to the implementation of existing human rights standards and instruments, to formulate concrete recommendations for improving the effectiveness of United Nations mechanisms aimed at promoting, encouraging and monitoring respect for human rights, and to review the progress made in the implementation of the recommendations contained herein.

79. Regional preparatory meetings for the World Conference should also involve representatives of the treaty bodies and consideration should similarly be given to working groups examining the issues described in the preceding paragraph.

80. The chairpersons recommend that consideration be given to the holding of a meeting, within the framework of the World Conference, of the persons chairing the United Nations human rights treaty bodies and those chairing (or holding an equivalent position on) each of the principal regional and other human rights organizations, including the African Commission on Human and Peoples' Rights, the European Commission on Human Rights, the European Court of Human Rights, the Inter-American Commission on Human Rights, the Inter-American Court of Human Rights, the Committee on the Application of Conventions and Recommendations of ILO and the Committee on Conventions and Recommendations of the United Nations Educational, Scientific and Cultural Organization (UNESCO).

81. The chairpersons recommend that the General Assembly request that an updated version of the independent expert's study on possible long-term approaches to enhancing the effective operation of existing and prospective treaty bodies (A/44/668), the preparation of which was originally requested by General Assembly resolution 43/115 of 8 December 1988, be submitted to the World Conference on Human Rights.

82. The secretariat should include one or more members of the treaty bodies within the group of persons who will be reviewing the content of the "prototype" studies to be submitted to the World Conference.

Other matters

83. In view of the central importance of the principle of the indivisibility of the two sets of rights, as reflected in the preamble to each of the International Covenants, any State that has ratified only one of the International Covenants should be urged to give very careful consideration to the possibility of ratifying the other Covenant as soon as possible.

84. The chairpersons strongly reiterate the recommendation made in the report on their third session to the effect that the servicing by the secretariat of the Committee on the Elimination of Discrimination against Women should be provided from the Centre for Human Rights at Geneva. It is essential that a unified approach to servicing be put in place in order to ensure that that Committee has access to the same services and facilities as the other committees and to achieve the full and effective integration of the Committee into the overall human rights treaty regime.

85. It is recommended that at the next meeting of the chairpersons representatives of non-governmental organizations be invited to address the meeting and to submit appropriate recommendations for consideration by the meeting.

86. The chairpersons wish to emphasize the value of holding meetings of the treaty bodies outside of Geneva, New York and Vienna. They note, however, that existing financial and other requirements tend to make the cost of any such meeting prohibitive. For this reason, they request the Secretary-General to explore innovative ways and means (such as an agreed reduction in the number of languages in which interpretation is required, a limit on the volume of in-session documents to be translated, etc.) that would increase the likelihood of such meetings being organized.

87. It is recommended that, in future, all new members of the treaty bodies should be given a comprehensive background briefing on the work of the committee, and of the treaty bodies as a whole. The briefing should be undertaken by the chairperson or his or her delegate and by a senior secretariat official.

88. The chairpersons recall the proposal made by the Committee on Economic, Social and Cultural Rights, and subsequently endorsed by the Committee on the Rights of the Child, to the effect that a meeting should be held with one or two representatives each of the Human Rights Committee, the Committee on the Rights of the Child, the Committee on the Elimination of Discrimination against Women and the Committee on Economic, Social and Cultural Rights with a view to discussing matters of interest relating to the rights of the child, including the most appropriate approaches to the supervision of overlapping treaty obligations. That proposal has not been implemented owing to resource constraints. The chairpersons accordingly recommend that the General Assembly consider making resources available for such a meeting.

Notes

1/ Official Records of the General Assembly, Forty-seventh Session, Supplement No. 1 (A/47/1), para. 101.

2/ S/23500, p. 3.

3/ Official Records of the General Assembly, Forty-seventh Session, Supplement No. 1 (A/47/1), para. 109.

4/ Ibid., para. 101.